



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,624	10/17/2003	David A. Young	BOE 0432 PA	2590
27256	7590	05/24/2004	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			DINH, TIEN QUANG	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,624	YOUNG ET AL. CT	
	Examiner	Art Unit	
	Tien Dinh	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/17/03</u> | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3644

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, "hoop-like" is vague and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alie in view of Flamand et al.

Alie discloses an aircraft having architectural archways with an upper crown portion, and floor member. The archways are curved with two spaced apart end members within the fuselage. There is a lavatory and flight attendant seat member in the archway. Furthermore, the archways are positioned adjacent to and framing a door member. The archways form a passageway for passage of system component of the aircraft. The passageway allows the passengers or personnel to put a system component (such as a toilet seat for example) to a room that is made up

Art Unit: 3644

by the fuselage and the archways. Please see figure 3. Alie is silent on the lower lobe portion.

However, Flamand et al teaches a lower lobe portion is well known in the art.

It would have been obvious to one skilled in the art at the time the invention was made to have used a lower lobe portion in Alie's system as taught by Flamand et al to carry more cargos.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alie in as modified by Flamand et al as applied to claims 1 and 7 above, and further in view of Brill.

Alie as modified by Flamand et al discloses all claimed parts except for the use of hollow archways that are V-shaped, U-shaped or semi-circular shaped in cross-section. However, Brill discloses that certain shaped (such as U or V) cross sections of archways are well known in the art.

It would have been obvious to one skilled in the art to one skilled in the art at the time the invention was made to have used archways having V-shaped or U-shaped cross sections in Alie's system as modified by Flamand et al and as taught by Brill to create a stronger fuselage and more ascetically pleasing interior.

Claims 2, 4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alie in as modified by Flamand et al as applied to claims 1 and 7 above, and further in view of Brill and Robillard et al.

Alie as modified by Flamand et al discloses all claimed parts except for the use of hollow archways with components of the aircraft. However, Brill discloses that certain shaped (such as U or V) cross sections of archways are well known in the art. Furthermore, Robillard et al

Art Unit: 3644

teaches that system components that run thru a hollow passageway of an aircraft is well known in the art (see figure 2).

It would have been obvious to one skilled in the art to one skilled in the art at the time the invention was made to have used archways having hollow cross sections and run components thru the hollow cross sections in Alie's system as modified by Flamand et al and as taught by Brill and Robillard et al to create a stronger fuselage and to hide the components from the passengers.

Claims 14-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alie in view of Flamand et al, Robillard et al, and Brill.

Alie discloses an aircraft having architectural archways with an upper crown portion, and floor member. The archways are curved with two spaced apart end members within the fuselage. There is a lavatory and flight attendant seat member in the archways. Furthermore, the archways are positioned adjacent to and framing a door member. The archways form a passageway for passage of system component of the aircraft. Please see figure 3. Alie is silent on the lower lobe portion and the use of hollow archways that are V-shaped, U-shaped or semi-circular shaped in cross-section with system components such as wires running in the hollow archways. However, Flamand et al teaches a lower lobe portion is well known in the art. Brill discloses that certain hollow shaped (such as U or V) cross sections of archways are well known in the art. Furthermore, Robillard et al teaches that system components that run thru a hollow passageway of an aircraft is well known in the art (see figure 2).

Art Unit: 3644

It would have been obvious to one skilled in the art at the time the invention was made to have used a lower lobe portion in Alie's system as taught by Flamand et al to carry more cargos.

In addition, it would have been obvious to one skilled in the art at the time the invention was made to have used hollow archways having V-shaped or U-shaped cross sections in Alie's system as modified by Flamand et al and as taught by Brill to create a stronger fuselage and more aesthetically pleasing interior.

Furthermore, it would have been obvious to one skilled in the art to one skilled in the art at the time the invention was made to have run components thru the hollow cross sections in Alie's system as modified by Flamand et al and Brill and as taught by Robillard et al to create a stronger fuselage and to hide the components from the passengers.

Re claims 17, 18, 27 and 28, it would have been obvious to one skilled in the art at the time the invention was made to have used support system conduits in the crown and lower lobe portion to separate the components so that the passengers cannot see the support system conduits

Re claims 22 and 23, Alie discloses the archway member being used as a divider..

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fouhy, Davis, and Graham disclose structures with arches.

Albertine et al, Schumacher, Manthey et al, Coughren et al, Greiss, Junkers Flugzeug, Mendelssohn, and Muller disclose aircraft means.

Art Unit: 3644

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 703-308-2798. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TD

Tien Dinh